IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTIETH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 6808 of 2005

Between:

Palla Appa Rao S/o. Surya Rao
R/o. Jaddangi Village, Rajavommangi Mandal, East Godavari

District.

..... PETITIONER

AND

1. The Additional Agent to the Government, E.G. District at

Rampachodavaram.
2 The Special Deputy Collector (TW) Rampachodavaram.,

East Godavari District.
3 The Mandal Revenue Officer, Rajavommangi, E.G. District.
4 The Special Deputy Tahsildar, Rajavommangi, E.G. District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate writ or order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in evicting the petitioner from the land to an extent of Ac. 8.50 cents in Sy.No. 425/1D & 480 of Jaddangi Village, Rajavommangi Mandal, E.G. District in pursuance of the order passed by the 2nd Respondent in L.T.R.P.No. 205/2004 as illegal, arbitrary and unjust and consequently direct the respondents not to evict the petitioner from the above land pending disposal of the appeal or stay petition preferred before the 1st respondent.

Counsel for the Petitioner:MR.K.VENKATESH

Counsel for the Respondent Nos.1 to 4: GP FOR SOCIAL WELFARE

The Court at the admission stage made the following O R D E R:

This writ petition is filed to issue a Writ of Mandamus to declare the action of the respondents in evicting the petitioner from the land to an extent of Ac. 8.50 cents in Sy.No. 425/1D & 480 admeasuring of Jaddangi Village, Rajavommangi Mandal, E.G. District, in pursuance of the order passed by the 2nd Respondent in L.T.R.P.No. 205/2004, dated 29.12.2004, as illegal and arbitrary.

The claim of the petitioner is that he and his father were granted D-Form pattas in respect of the lands in Sy.Nos. 425/1D & 480 respectively and since 1971 onwards, they have been in continuous possession and enjoyment of the same. The second respondent, by an order dated 29.12.2004, ordered for ejection of non-tribal respondents from the land and to restore the same to the Government for onward distribution of land to eligible Tribals.

It is stated in the affidavit in support of the writ petition that against the order of the second respondent in L.T.R.P.No.205 of 2004, dated 29.12.2004, an appeal has been preferred by the petitioner before the first respondent and the same is pending consideration. Hence, the petitioner cannot be permitted to prosecute two parallel proceedings in respect of the very same cause of action.

Therefore, the writ petition is disposed of with a direction to the first respondent to dispose of the appeal, if any, preferred by the petitioner against the impugned order, within a period three months from the date of receipt of a copy of this order. If an appeal is already preferred, status quo as on today shall be maintained till the disposal of the appeal. If no appeal is preferred, there is no status quo order.

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(K.C.BHANU,J)

Dt:30th March, 2005

Usd

To

1. The Additional Agent to the Government, E.G. District at

Rampachodavaram.

2 The Special Deputy Collector (TW) Rampachodavaram.,

East Godavari District.

3 The Mandal Revenue Officer, Rajavommangi, E.G. District.

4 The Special Deputy Tahsildar, Rajavommangi, E.G. District.

5. Two CCs to G.P. for Social Welfare, High Court of A.P.,

Hyderabad (OUT).

6 Two CD copies.